IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6216 OF 2006

Parsu Dnyandeo Naik(Raosi) .. Petitioner.

vs.

Rangrao Maruti Kale

& Ors. . .. Respondents.

Mr. K.V. Saste for petitioner.

Mr. P.D. Dalvi for Respondent Ns. 1 to 4.

CORAM : A.P. DESHPANDE, J. DATE : 21st November, 2006. P.C. . The petitioner is the original defendant whereas the respondent nos. 1 to 4 are the original plaintiffs. In view of interference in the possession of the agricultural land over which the plaintiffs claim to have settled possession, a suit was filed in the trial court for perpetual injunction. In the said suit, an application for temporary injunction was moved. The trial Court allowed the application and granted temporary injunction as prayed for. The order passed by the trial Court was challenged by filing a Misc. Civil Appeal and the appellate court concurring with the finding of fact recorded by the trial Court of the plaintiffs being in possession has dismissed the appeal and confirmed the order passed by the trial Court. These are the orders that are challenged in

the present petition.

2. Perused the order passed by the first appellate court. The first appellate court has recorded a categorical finding that the revenue record clearly indicate the name of the father of the plaintiffs being in possession of the land since the year 1975-76 to 2005-06, despite the death of the plaintiffs' father in the year 1997. Both the courts relying upon the revenue entries in regard to the possession found that the plaintiffs are in possession and hence granted temporary injunction prayed for.

3. Perused the order. A very possible view is taken by placing reliance on the revenue entries. Hence, no interference is called for. Hence, petition deserves to be dismissed which I accordingly dismiss.

4. However, in the peculiar facts of the case, I direct the trial court to decide the suit expeditiously. It is clarified that the observations of the Courts below so also this order deals with prima facie aspect of the matter and would not weigh with the trial Court while deciding the suit on merits.

(A.P. Deshpande, J.)